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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,470	11/16/2001	James D. Young	CYS 2 0072	7547

7590 09/17/2003  
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP  
Suite 700  
1100 Superior Avenue  
Cleveland, OH 44114-2518

EXAMINER

MCANULTY, TIMOTHY P

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,470

Applicant(s)

YOUNG, JAMES D.

Examiner

Timothy P McAnulty

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7-9 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) 8,11-18,20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,9, and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1,2,4,7,9, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al. in view of Bloom et al.

Sato et al. discloses in figure 7, a chain guide apparatus comprising a support bracket having a support surface and a guide blade made of plastic having a first end, a hook-shaped portion 48 at said first end including a rib 49 which spans a space defined by said hook-shaped portion, and a male connector 46 which engages an aperture 40 formed within said support surface of said support bracket, wherein said guide blade is inherently selectively movable slidably on said support surface between a first position and a second position such that said guide blade is separable from said support bracket at said first position and fixedly secured to said support bracket at said second position. Sato et al. does not disclose said male connector having an enlarged head relative to a leg portion thereof nor does Sato et al. disclose said aperture having a first portion sized to receive an enlarged head of male connector and having a said second portion sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough. However, Bloom et al. teaches in figure 1, a connection apparatus comprising a male connector 29 of a first piece having an enlarged head relative to a leg portion and an aperture 22b of a second piece having a first portion sized to receive said head enlarged head portion and a second portion sized to receive said leg portion and further sized to prohibit said head portion from passing through said

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second portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Moretz in view of the teachings of Bloom et al. to include an aperture having a first portion and a second portion wherein said first portion is sized to receive an enlarged head of male connector and said second portion is sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough to provide a mechanically stable and easily connectable connection between said guide blade and said support bracket whilst eliminating cumbersome maneuvering of said guide blade relative to said support bracket and thus improve the connectability of said guide blade and said support bracket especially.

Regarding claim 9, Bloom et al. further teaches in figure 1 and in lines 25-55 of column 3, a locking nib 34 located within said aperture. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a locking nib on said guide blade to resist movement of said guide blade relative to said support bracket and thus increase safety by reducing unwanted movement between said guide blade and said support bracket.

3. Claims 1,2,4,7,9, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markley et al. in view of Bloom et al.

Markley et al. discloses in figures 4-7, a chain guide apparatus comprising a support bracket having a support surface and a guide blade made of plastic having a first end, a hook-shaped portion 74C at said first end including a rib (not numbered) which spans a space defined by said hook-shaped portion, a male connector 74B which engages an aperture 82B formed within said support surface of said support bracket, and a locking nib 74A which engages said support bracket, wherein said guide blade is inherently selectively movable slidably on said

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support surface between a first position and a second position such that said guide blade is separable from said support bracket at said first position and fixedly secured to said support bracket at said second position. Markley et al. does not disclose said male connector having an enlarged head relative to a leg portion thereof nor does Sato et al. disclose said aperture having a first portion sized to receive an enlarged head of male connector and having a said second portion sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough. However, Bloom et al. teaches in figure 1, a connection apparatus comprising a male connector 29 of a first piece having an enlarged head relative to a leg portion and an aperture 22b of a second piece having a first portion sized to receive said head enlarged head portion and a second portion sized to receive said leg portion and further sized to prohibit said head portion from passing through said second portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Moretz in view of the teachings of Bloom et al. to include an aperture having a first portion and a second portion wherein said first portion is sized to receive an enlarged head of male connector and said second portion is sized to receive a leg portion of a male connector wherein said second portion is sized to block passage of said head portion therethrough to provide a mechanically stable and easily connectable connection between said guide blade and said support bracket whilst eliminating cumbersome maneuvering of said guide blade relative to said support bracket and thus improve the connectability of said guide blade and said support bracket especially.

Regarding claim 9, Bloom et al. further teaches in figure 1 and in lines 25-55 of column 3, a locking nib 34 located within said aperture. Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to include a locking nib on said guide blade to resist movement of said guide blade relative to said support bracket and thus increase safety by reducing unwanted movement between said guide blade and said support bracket.

***Response to Arguments***

4. Applicant's arguments filed 01 July 2003 have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In response to applicant's argument that connection taught by Bloom et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the connection taught by Bloom et al. solves a problem of attaching one member to another member and is applicable to Sato et al. which is concerned with attaching a guide blade to a support bracket of a chain guide apparatus.

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*Conclusion*

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

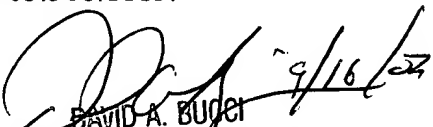
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.872.9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm   
September 15, 2003

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600